



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

OLIESE CHANDLER,
Plaintiff,

vs.

MICHAEL J. ASTRUE, COMMISSIONER OF
SOCIAL SECURITY ADMINISTRATION,
Defendant.

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CIVIL ACTION NO. 3:08-1656-HFF-JRM

ORDER

This case was filed as a Social Security action. Plaintiff, who is represented by excellent counsel, brought this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) to obtain judicial review of a final decision of Defendant denying her claims for Supplemental Security Income and Disability Insurance Benefits. The matter is presently before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendant's decision be affirmed. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 26, 2009, and Plaintiff filed her objections to the Report on April 27, 2009. The Court has carefully considered the objections, but finds them to be without merit. As observed by the Magistrate Judge,

Despite Plaintiff's claims, she fails to show that [Defendant's] decision was not based on substantial evidence. This Court may not reverse a decision simply because [Plaintiff] has produced some evidence which might contradict [Defendant's] decision or because, if the decision was considered de novo, a different result might be reached.

This Court is charged with reviewing the case only to determine whether the findings of [Defendant] were based on substantial evidence. Even where [Plaintiff] can produce conflicting evidence which might have resulted in a contrary decision, [Defendant's] findings must be affirmed if substantial evidence supported the decision. [Defendant] is charged with resolving conflicts in the evidence, and this Court cannot reverse that decision merely because the evidence would permit a different conclusion.

(Report 10-11 (citations omitted).)

Therefore, after a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendant's decision be **AFFIRMED.**

IT IS SO ORDERED.

Signed this 27th day of April, 2009, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE